

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application, and for the personal interview conducted on August 16, 2005. The application has been carefully reviewed in light of the Office Action and interview, and this amendment is in response thereto.

Claims 1–19 remain in this application.

An RCE is filed with this amendment to reopen prosecution on the merits.

Claims 1–19 were again rejected under 35 U.S.C. §103(a) as being unpatentable over Sawahashi *et al.* (U.S. U.S. 5,590,409) in view of Bontu *et al.* (U.S. 6,418,137). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites a “transmission power control step range changer which varies the power step amount of a transmission power control step range corresponding to the transmission power control bit based on the detected communication state.” Claim 10 recites similar limitations. In the Office Action Examiner admits that Sawahashi does not teach this element of claims 1 and 10, and thus cites Bontu as teaching this element at col. 1, lines 55–64. However, a close reading of this section does not support the Examiner’s interpretation.

At the personal interview, it was discussed that Bontu does not teach any means of changing a transmission power *control step range* as recited in the claim. The Examiner, however, argued that the term “power control step range” was very broad. Accordingly, Applicant’s representative and the Examiner discussed alternative language that would express the fact that the actual power range of the invention is changed in response to a communication state.

Thus, the claims have been amended to recite that the claimed range changer “varies the power step amount of a transmission power control step range corresponding to the transmission

power control bit based on the detected communication state.” This change was discussed in detail at the personal interview, where Applicant’s representative pointed out to the Examiner that Bontu always assumes that the power step range is predetermined (see col. 3, lines 13–14). There is no teaching that this step is varied, as recited in the claim. Instead, the reference discusses using this predetermined range, along with a number “N,” to determine a signal-to-noise parameter S_s that is used to determine how to set the transmission power control bit (see col. 5, lines 1–51; see also Fig. 2). Nowhere does the reference ever suggest varying P_{inc} , which is a predetermined step amount.

Furthermore, the reference teaches, in its background section, incrementing or decrementing a transmitted power by a *single range* of $\pm 0.5\text{dB}$. The Examiner admits this on page 4 of the Office Action, when the Examiner states that Bontu teaches providing a varying power transmission power by a “small step size such as $\pm 0.5\text{dB}$.” The Examiner does not point out any teaching where this *range* is changed. Thus, the reference does not teach the step range changer of the invention.

The Examiner states that “[e]ach time the mobile increase/decrease power according to a power command corresponds to ‘step,’” for example, in order for the terminal increases 1.5dB , the mobile will make 3 steps increase and each step is 0.5dB . The specific amount of power $\pm 0.5\text{dB}$ corresponds to ‘range’ of claim limitation (see second paragraph of page 2 of the Office action). The Examiner states that “each step is ‘ 0.5dB ’” which is a constant value. Applicant clearly recites that it is the “control step range” that is varied. The Examiner admits that the power step range is not varied, because he states that it takes three 0.5dB steps to move 1.5dB , not a single 1.5dB step. The step range is constant (i.e., there is no “range” variation at all).

Accordingly, claims 1 and 10 are patentable over the references. Claims 2–9, which depend on claim 1, and claims 11–19, which depend on claim 10, are thus patentable over the references for at least the same reasons as the parent claim.

Further still, the Examiner has not provided the proper motivation for combining the references. Yet again, the Examiner merely provides a benefit listed in the second reference as motivation for adding features of that reference to the primary reference, which is not legally sufficient motivation. Accordingly, the rejection for obviousness is not supported by the Office action and thus the rejection is improper, and should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33220.

Respectfully submitted,
PEARNE & GORDON LLP

By:



Robert F. Bodi – Reg. No. 48,540

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: September 6, 2005